PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, JULY 28 19 87

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING July 28 A.D., 19 87, IN Regular SESSION. PRESIDENT Mark E. GiaQuinta IN THE CHAIR, COUNCIL ATTORNEY Don Doxie, AND Sandra E. Kennedy CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BRADBURY P, BURNS P, EISBART P,
GiaQUINTA, HENRY P, REDD P,
SCHMIDT P, STIER P, TALARICO P,

ABSENT:

COUNCILMAN:, , ,

THE INVOCATION WAS GIVEN BY

THE MINUTES OF THE LAST REGULAR July 14, 19 87,

, 19,

SPECIAL, 19,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 28th day of July, 1987, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances, and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 29th day of August, 1987.

SANDRA E. KENNEDY, CITY CLERK

COMMUNICATIONS FROM THE MAYOR

July 16, 1987

To the Common Council
Gentlemen and Mrs. Bradbury:

Today, July 16, 1987, I have approved the following ordinances and resolutions passed by the Common Council at this meeting of July 14, 1987

(Bill No. S-87-06-24)
SPECIAL ORDINANCE NO. S-171-87

AN ORDINANCE fixing the salaries of each and every appointed officer, employee, deputy assistant, departmental and institutional head of the Civil City and City Utilities of the City of Fort Wayne, Indiana for the year 1988

(Bill No. S-87-06-25)
SPECIAL ORDINANCE NO. S-172-87

AN ORDINANCE approving the awarding of Reference #1287, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Brayton Chemical Co., Turf Specialties and Lesco, Inc., for the Fort Wayne Parks and Recreation Department

(Bill No. S-87-06-26)
SPECIAL ORDINANCE NO. S-173-87

AN ORDINANCE approving the awarding of Reference #1286, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and B and B Fertilizer Company for the Department of Parks and Recreation

(Bill No. S-87-06-27)
SPECIAL ORDINANCE NO. S-174-87

AN ORDINANCE approving the awarding of Reference @1293, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Tom Kelley Buick, for the Street Engineering Department

(Bill No. R-87-06-29)
DECLARATORY RESOLUTION NO. R-47-87

A DECLARATORY RESOLUTION confirming the designation of an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 714 W. Washington Blvd., Fort Wayne, Indiana 46802 (Keefer Printing Co., Inc., Petitioner)

(Bill No. R-87-06-30)
RESOLUTION NO. R-48-87

A RESOLUTION approving the City of Fort Wayne's Five Year Capital Improvement Program and One Year Capital Budget

(Bill No. Z-87-04-09)
ZONING MAP ORDINANCE NO. Z-12-87

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. K-34

(Bill No. Z-87-05-30)
ZONING MAP ORDINANCE NO. Z-13-87

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. M-26

(Bill No. Z-87-05-32)
ZONING MAP ORDINANCE NO. Z-11-87

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. O-38

(Bill No. Z-87-05-38)
ZONING MAP ORDINANCE NO. Z-14-87

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. E-2

(Bill No. Z-87-06-33)
ZONING MAP ORDINANCE NO. Z-15-87

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. S-14

(Bill No. Z-87-06-36)
ZONING MAP ORDINANCE NO. Z-16-87

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-3

(Bill No. Z-87-06-37)
ZONING MAP ORDINANCE NO. Z-17-87)

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-14

(Bill No. R-87-07-01)
RESOLUTION NO. R-49-87

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA SUPPORTING THE MINORITY WOMEN'S NETWORK REGIONAL CONFERENCE

(Bill No. S-87-06-39)
SPECIAL ORDINANCE NO. S-175-87

AN ORDINANCE approving the Contract for Res. 6072-87, Pontiac Place, NSA '87, Curbs, Walks and Drive Approaches, between the Hipskind Concrete Corporation and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety

(Bill No. S-87-06-40)
SPECIAL ORDINANCE NO. S-176-87

AN ORDINANCE approving the Contract for Res. 6098-87 - Hanna Street from McKinnie to Pettit, Bond Issue Phase I, Curbs and Drive Approaches, between Hipskind Concrete and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety

(Bill No. S-87-06-41)
SPECIAL ORDINANCE NO. S-177-87

AN ORDINANCE approving the Contract for Res. 6097-87 - Westmoor Extended, Bond Issue I, between the Hipskind Concrete Corporation and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety

(Bill No. S-87-06-42)
SPECIAL ORDINANCE NO. 178-87

AN ORDINANCE approving the Contract for Res. 6095-87 - Turn Lanes on N. Clinton Street, between the City of Fort Wayne, Indiana and John Dehner, Inc., in connection with the Board of Public Works and SAfety

(Bill NO. S-87-06-53)
SPECIAL ORDINANCE NO. s-179-87)

AN ORDINANCE approving Change Order No. 1 for Res. 6061-86 - Luther Sidewalks and Drives, with Gaines Construction Company, in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

(Bill No. S-87-06-43)
SPECIAL ORDINANCE NO. S-180-87

AN ORDINANCE approving the Water Contract 8713 - Hunt Club - between Oxford Limited Partnership, Developer and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety

(Bill No. S-87-06-44)
SPECIAL ORDINANCE NO. S-181-87

AN ORDINANCE approving Change Order No. 1 and Final for rEs. 187-87 - Street Lights for East Taber Street, with T & F Construction in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

(Bill No. S-87-06-45)
SPECIAL ORDINANCE NO. S-182-87

AN ORDINANCE approving the Contract for WAterworks Improvement High Service Pump Replacement - 87-W-2, between Shambaugh & Sons, Inc., and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety

(Bill No. S-87-06-46)
SPECIAL ORDINANCE NO. S-183-87

AN ORDINANCE approving Change Order No. 1 and Final for Res. 186-87 - Street Lights, Kensington Blvd. (Cody to Niagra), with Weikel Lime Co., Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

(Bill No. S-87-06-47)
SPECIAL ORDINANCE NO. S-184-87

AN ORDINANCE approving the awarding of Reference #815, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Gould Pumps, Inc., for the Three Rivers Filtration Plant

(Bill No. S-87-06-48)
SPECIAL ORDINANCE NO. S-185-87

AN ORDINANCE approving City Utilities Purchase Order #08914, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and the Applied Research Lab, for the Water Pollution Control Plant

(Bill No. S-87-06-49)
SPECIAL ORDINANCE NO. S-186-87

AN ORDINANCE approving City Utilities Purchase Order #0824, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and the Mine Safety Appliance Company for the Water Pollution Control Plant

(Bill No. S-87-06-50)
SPECIAL ORDINANCE NO. S-187-87

AN ORDINANCE approving the awarding of Reference #812, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and General Tire Co., McMahon Tire, and Woodward Tire, respectively, for the City Utilities Garage

(Bill No. S-87-06-51)
SPECIAL ORDINANCE NO. S-188-87

AN ORDINANCE approving the Contract for the Fort Wayne Water Pollution Control Plant Computerization, between Henry Electric and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety

(Bill No. S-87-06-52)
SPECIAL ORDINANCE NO. S-1879-87

AN ORDINANCE approving Change Order No. 1 and Final for Res. 185-87 - Kenwood Avenue, Street Lights with Weikel Line Company, Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

Respectfully yours,

Win Moses, Jr.
Mayor

The City of Fort Wayne

LAND USE MANAGEMENT
Division of Community Development & Planning

17 July 1987

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-86-12-21

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
17th day of July 1987.

Robert Hutner
Secretary

FACT SHEET

2 88 12 21

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment From RA to B-3-B		

DETAILS

Specific Location and/or Address

4705 Illinois Road

Reason for Project

Relocation of Mutton Garden Supply Store

Discussion (Including relationship to other Council actions)

15 December 1987 - Public Hearing

Minutes of hearing are attached.

22 December 1987 - Business Meeting

Motion was made to Perfect the ordinance to a B-1-A and return it to the Common Council with a DO PASS recommendation.

Of the 7 members present 6 voted in favor of the recommendation, one did not vote.

The conditions on this rezoning have been satisifed by the applicant and are as follows:

1) Petitioner should provide, in recorded form acceptable to the Plan Commission attorney, a document that provides for:

a) granting a 40 foot easement to be used for a frontage road,
b) that a frontage road will be constructed to the standards and specifications

POSITIONS / RECOMMENDATIONS

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) James Mutton City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [ ] For [ ] Against [ ] No Action Taken [X] For with revisions to condition (See Details column for condition Perfect to B-1-A
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pas

DETAILS

required by the City of Fort Wayne, at the owners expense, when required by the City.
c) that any and driveways form Illinois Road west will be of a temporary nature only, and are subject to review and closure, at the owners expense, including any signs or other obstruction in the 40 foot easement, when requested by the City after the construction of the frontage road.
d) any and all obstructions to the frontage road shall be removed at the owners expense when the frontage road is constructed.

2) A 30 foot landscape buffer should be provided along the south property line where it abutts residential district. Said landscape buffer it to be submitted to and approved by the Community Development and Planning Landscape Architect.

3) Cost share in the improvement of Lawrence Drain.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 14 November 1986

Projected Completion or Occupancy **Date** 17 July 1987

Fact Sheet Prepared by **Date** 17 July 1987
Patricia Biancaniello

Reviewed by **Date** 21 July 1987
Tony Satterfield

Reference or Case Number

Gary Cappelli, attorney for the petitioner and applicant appeared before the Commission. He stated that the applicant is James R. Mutton. He stated that the applicant holds an interest in the subject real estate by virtue of a purchase agreement conditioned upon rezoning of this parcel. He stated that the Master Plan with regard to this particular area for the City has been amended by the Commission and City Council permitting commercial development along the south side of Illinois Road from the Apple Glen shopping center area to Getz Road. He stated that they believe the applicants request is consistent with the Master Plan in this area and is indeed consistent with the development that has occurred along this area and will likely continue to occur along this area. He stated that the applicant intends, should the rezoning be granted, to relocate his business, which is Mutton's outdoor power equipment company. He stated that the business is currently located on the north side of Illinois Road approximately 1/4 of a mile from this site. He stated that this site consists of two acres of ground less a 75 foot right-of-way for Illinois Road, which reduces the size of the tract to 1.64 acres. He stated that they understand that the staff and the Commission has made a policy to provide for the reservation of frontage road easement along any parcels which are rezoned to a commercial zoning district, with that 40 foot easement, it reduces the site to approximately 1.47 acres. He stated that in addition they understand that the Commission has taken the policy of providing buffering from commercial areas with adjoining residential areas. He stated in this particular case the staff has recommended that a 30 foot buffer area be constructed along the south side of the perimeter of the property thereby reducing the effective size to significantly less than 1 1/2 acres. He stated he pointed it out in connection with their request, being a request for general commercial versus limited commercial as recommended by the staff. He stated he has read the recommendation as to the rezoning of the property. He stated that the staff has recommended that it be limited to B-1-A or limited commercial. He stated that they concur and agree with the restrictions or the requirements imposed or suggested by the staff in its recommendation, that is granting a 40 foot road easement, construction of the frontage road at the developers of owners cost, the consent to a temporary driveway that can be later removed and relocated along Illinois Road so that only direct access to Illinois Road would be along the frontage road, the removal of obstructions that are placed in that 40 foot right-of-way at the developers cost and of course the sharing of the cost of the maintenance of the Lawrence Drain. He stated where they disagree with the staff recommendation is the type of zoning - limited commercial versus general commercial. He stated that under the zoning ordinance limited commercial technically would allow a garden supply store. He stated in their opinion and he believed staff concurs with this, it would not allow the exact type of business that Mr. Mutton currently operates. He not only has a garden supply store, but does repair of lawn

mowers and other power equipment. He (Mr. Mutton) is engaged in functions, which in Mr. Cappelli's opinion, require a zoning classification of general commercial or B-3-B in this particular instance. He stated that a zoning of less than B-3-B, would deprive him of his placement of his existing business and continuation business at this site. He stated that the staff has further recommended that the B-1-A be granted and that they go to the Board of Zoning Appeals and ask for a variance to permit the specific type of business that Mr. Mutton now conducts. Mr. Cappelli stated that it was his opinion that it would not be a valid request on the part of either Mr. Mutton or on the part of the owners in the context in which it would have to be made. He stated for one Mr. Mutton would not own the property, therefore, how could he request a hardship. He stated secondly the owners of the property do not intend to conduct upon that property the type of business that Mr. Mutton requires. He stated that the Board of Zoning Appeals could only grant a Use Variance, as contemplated under the staff's recommendations, in the case where a hardship, imposed upon the owner could be shown. He stated therefore he did not feel it was proper procedure to do what has been suggested by the staff. He stated that he was not being critical of the staff, because they are obviously intending to restrict more intense commercial use of this particular site that would generally be allowed in the B-3-B classification. He stated therefore they have suggested to the staff that the applicant and the owner enter into a restrictive covenant permitting uses of less than all of the general commercial uses that would be permitted by the B-3-B district. He stated that he understood that it is the Commission's thoughts and the staff's thoughts that restrictive covenants lead to nothing but problems for the Commission in the administration of those covenants. He stated that he had gone to great lengths in preparing the restrictive covenant, that he felt really would alleviate the kind of burden that is normally associated with such restrictive covenants on the Commission. First of all he has suggested that these restrictions run in favor of the City of Fort Wayne and the City of Fort Wayne only, thereby alleviating the suggestion at a later date someone other than the City of Fort Wayne has standing to object to a modification or a deletion of those restrictions. Secondly, they have suggested that those restrictions could be amended by the City Plan Commission, by the terms of those restrictions, without a public hearing. He stated that runs contrary to the seeming authority granted to the Plan Commission by Indiana Code 36-7-4-613, which is a new enactment of the legislature providing the Commission with the right to impose restrictive covenants such as the ones involved here in connection with those properties, where the zoning requires the submission of development plan. He stated that this is a very technical legal argument, he stated he had provided John Wernet, legal counsel for the Commission, with a copy of the statute and he also provided each of the Commissioner's with a copy of the proposed restrictive covenant. He stated that the statute goes

on to say that the City Plan Commission has the right to impose certain kinds of restrictive covenants, which would be the kinds of restrictive covenants that they have proposed in this particular case, in connection with the approval of development plans. He stated that the statute is specifically limited to those rezonings involving development plans. He stated that in the context of the City Zoning Ordinance that would involve shopping centers and Planned Unit Developments only. He stated the reason he believed that this statute would not require the City Plan Commission to hold a public hearing on amendment or a revision or a deletion of those restrictive covenants, is that we are dealing with strictly a zoning matter, they are not dealing with a development plan matter. He stated that in connection with the development plan when the Commission imposes a restriction on the development plan that means you approve that development plan subject to that restrictive covenant and because a development plan requires a public hearing when you change the development plan you obviously are going to be required to have another public hearing on that. He stated we do not have that in this context. He stated they have a zoning request on a B-3-B, one public hearing only, if you grant it subject to restrictions, the public obviously has been benefited in the sense that no one can go back and say, "We thought that this development required these restrictions." once the zoning is requested you have granted the B-3-B, then any restrictions imposed upon that would benefit the city, would not provide the public standing to object to a subsequent amendment of those restrictive covenants. He stated it is a very technical legal argument and Commission counsel is going to have to expound on that and make some kind of recommendation as to what the Plan Commission should be doing in connection with that argument. He stated that they have gone to some length to eliminate, in the restrictive covenant, the kinds of things that involve noisy, noxious, general commercial uses. He stated in that connection the applicant and the owners are agreeable in entering into these restrictive covenants to the extent the Commission grants the requested rezoning. He stated however he felt there is a good amount of background and a good amount of precedent for not even requiring a restrictive covenant. First of all the O'Daniels property was recently rezoned to a B-3-B the kind of zoning they are requesting. Furthermore, the City Plan Commission, in 1974 while the DeHaven property was in the 2-mile fringe jurisdiction of the City, granted a general commercial rezoning for that property. He stated that across the road is general commercial and next to the DeHaven property is a development that in November of 1985 was granted general commercial status under the county Langland Motors. He stated that to the east next to the K-Mart Shopping Center, is a large tract of land is county zoned general commercial. He stated that if they are trying to restrict this development of Illinois Road to limited commercial the cat is already out of the bag. He stated the county is rezoning to general commercial across the road, what is the benefit to the

public in providing limited commercial here. He stated that in deference to staff and with the policy and philosophy the Commission has in connection with other rezonings along Illinois Road, we agree to enter into these restrictive covenants. He stated that he felt they were logical restrictions on the utilization of this property. He stated it is only 1 1/2 acres and any general commercial use of the property is not going to have the massive impact that shopping centers and things of that nature would have.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

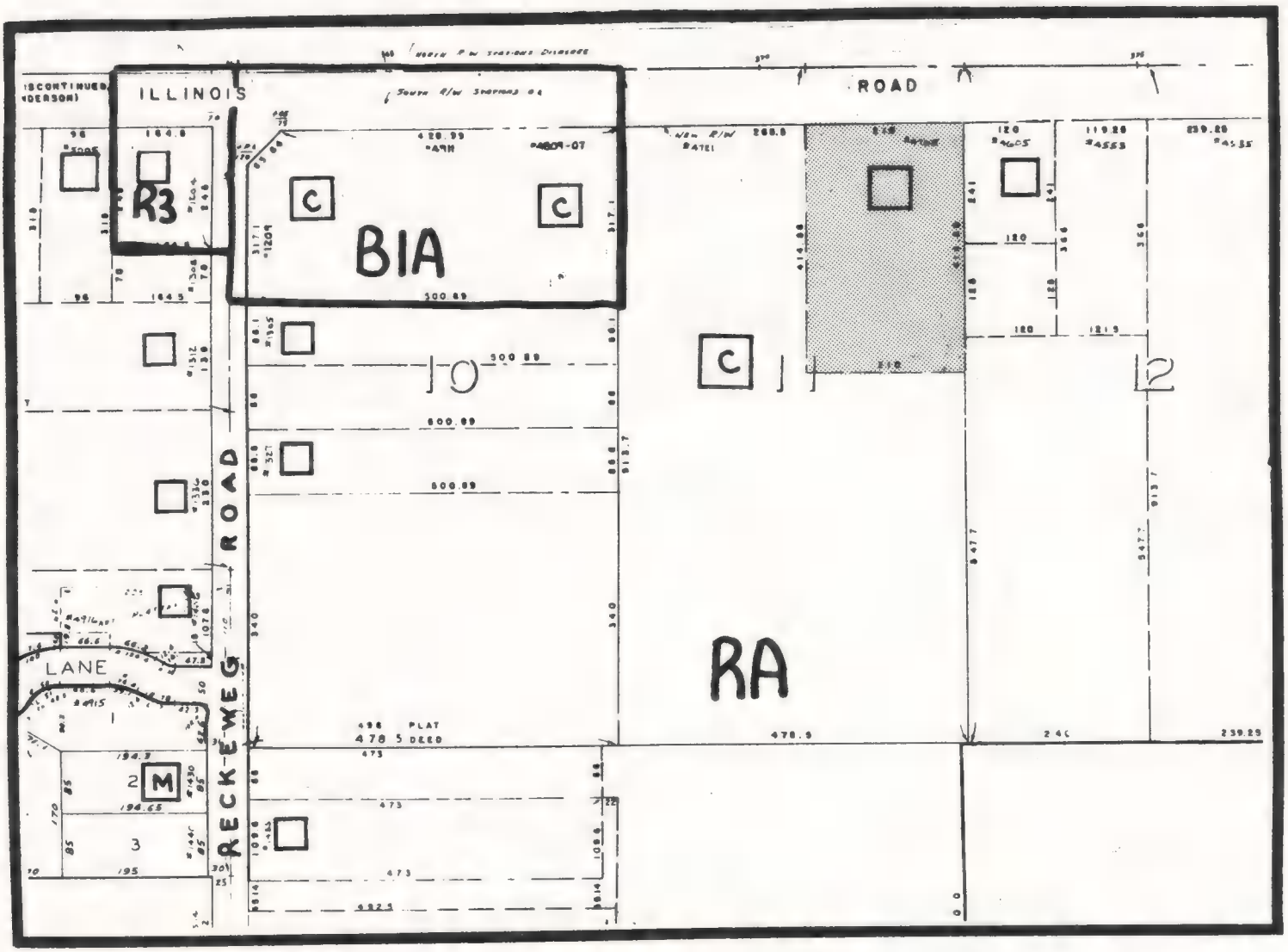
ADJOURNMENT:

REZONING PETITION #334

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-A DISTRICT TO A B-3-B DISTRICT.

MAP NO. F-2

COUNCILMANIC DISTRICT NO. 4



ZONING:

RA RESIDENCE 'A'
R3 RESIDENTIAL DISTRICT
BIA LIMITED BUSINESS 'A'

LAND USE:

- SINGLE FAMILY
- C COMMERCIAL
- M MULTI-FAMILY

N

SCALE: 1" = 200'

DATE: 11-25-86

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 23, 1986 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-12-21; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 15, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held 22 December 1986.

Certified and signed this
17th day of July 1987.

Robert Hutner
Secretary

Change of Zone #234

Gary Cappelli, agent for Loyd and Dale Ecenbarger, requests a change of zone from RA to B-3-B.

Location: 4705 Illinois Road

Legal: See file

Zoning: RA

Land Area: Approximately 2 acres

Surroundings:		
North		County
South	RA	Residential
East	RA	Residential
West	RA/B1A	Limited business & residential

Reason for Request: Relocation of the Mutton store

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses, and should not establish an undesirable precedent in the area to be developed. The goal in the West Sector, where this request is located, is to contain urban growth within the urban service line. Commercial uses in this area are compatible with the Comprehensive Plan.

Planning Staff Discussion:

In August of 1985, petitioners requested a change of zone from RA to B-1-A. That request was submitted in order to sell the property as a business parcel. The Plan Commission had recommended a 'Conditional Approval', subject to the petitioner satisfying certain conditions. Petitioner was given six months in which to comply with the imposed stipulations.

On March 27, 1986, petitioner was informed that the record showed that compliance had not been achieved, and that failing to conform, the item would be placed on the Plan Commissions agenda for reconsideration.

Upon reconsideration, the Plan Commission recommended a 'Do Not Pass' to the Common Council. Council defeated the petition.

The current petition before us, requests a change of zone to a B-3-B, a general business classification. The Plan Commission has established certain policies regarding this portion of Illinois Road. These policies provide for a gradual transition of zoning categorization from office districts and limited business, through general business near the Getz Road intersection. The immediate area of the petitioned request has residential and limited business uses.

In keeping with the established policies of the Plan Commission, the requested designation provides for too intense land uses. Some of the uses permitted in the B-3-B classification could adversely impact the residential properties along Reckeweg Road. While we would not be opposed to a B-1-A or P.O.D. designation, we would recommend that both this parcel and the adjoining parcel to the west should be joined in the petition, thereby eliminating the spot-like impact, and complimenting the Plan Commissions policies.

The proposed use is not objectionable, but the requested designation permits some uses that may be very objectionable to the surrounding residents. By perfecting to a B-1-A, we are still following the established policies for this area of Illinois Road, and the petitioner may request a variance through the Board of Zoning Appeals to allow his intended use. The petition would have a basis similar to the storage facility (located west) that was recently approved.

Recommendation: Perfect to B-1-A and Conditionally Approve

1) Petitioner should provide, in recorded form acceptable to the Plan Commission attorney, a document that provides for:

a) granting a 40 foot easement to be used for a frontage road,

b) that a frontage road will be constructed to the standards and specification required by the City of Fort Wayne, at the owners expense, when required by the City.

c) that any and all driveways from Illinois Road west will be of a temporary nature only, and are subject to review and closure, at the owners expense, including any signs or other obstruction in the 40 foot easement, when requested by the City after the construction of the frontage road.

d) any and all obstructions to the frontage road shall be removed at the owners expense when the frontage road is constructed.

2) A 30 foot landscape buffer should be provided along the south, property line where it abutts residential district. Said landscape buffer is to be submitted to and approved by the CD&P Landscape Architect.

3) Cost share in the improvement of Lawrence Drain.

MARK GIAQUINTA

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers: 98/87/E
99/87/E

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully Submitted,

L. D. Consalvos

Lawrence D. Consalvos, Chairman
Board of Public Safety

RETURN CERTIFICATE

(Regulatory Resolution No. 98/87/E
99/87/E)

I hereby certify that I did this 20th day of July, 1987 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. 98/87/E
99/87/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1986.

CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 98/87/E

(Adopted July 16, 1987)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to STOP INTERSECTION (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated July 14, 1987, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective July 16, 1987, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION		(EMERGENCY)
Nokomis Road	-- stop --	for Opeechee Way
Wawonaissa Trail	-- stop --	for Opeechee Way
Hiawatha Blvd.	-- stop --	for Opeechee Way
Hiawatha Blvd.	-- stop --	for Owaissa Way
Hiawatha Blvd.	-- stop --	for Ojibway Trail
Hiawatha Blvd.	-- stop --	for Algonquin Pass
Nokomis Road	-- stop --	for Indian Village Blvd.
Owaissa Way	-- stop --	for Wawonaissa Trail
Wendigo Lane	-- stop --	for Meda Pass
Wawonaissa Trail	-- stop --	for Ojibway Trail
Wawonaissa Trail	-- stop --	for Algonquin Pass
Ojibway Trail	-- preferential --	at Hiawatha Blvd.
Algonquin Pass	-- preferential --	at Hiawatha Blvd.
Indiana Village Blvd.	-- preferential --	at Nokomis Rd.
Wawonaissa Trail	-- preferential --	at Owaissa Way
Meda Pass	-- preferential --	at Wendigo Lane
Ojibway Trail	-- preferential --	at Wawonaissa Trail
Algonquin Pass	-- preferential --	at Wawonaissa Trail

REGULATORY RESOLUTION NO. 98/87/E

(Adopted July 16, 1987)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to STOP INTERSECTION (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated July 14, 1987, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective July 16, 1987, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION		(EMERGENCY)
Nokomis Road	-- stop --	for Opeechee Way
Wawonaissa Trail	-- stop --	for Opeechee Way
Hiawatha Blvd.	-- stop --	for Opeechee Way
Hiawatha Blvd.	-- stop --	for Owaissa Way
Hiawatha Blvd.	-- stop --	for Ojibway Trail
Hiawatha Blvd.	-- stop --	for Algonquin Pass
Nokomis Road	-- stop --	for Indian Village Blvd.
Owaissa Way	-- stop --	for Wawonaissa Trail
Wendigo Lane	-- stop --	for Meda Pass
Wawonaissa Trail	-- stop --	for Ojibway Trail
Wawonaissa Trail	-- stop --	for Algonquin Pass
Ojibway Trail	-- preferential --	at Hiawatha Blvd.
Algonquin Pass	-- preferential --	at Hiawatha Blvd.
Indiana Village Blvd.	-- preferential --	at Nokomis Rd.
Wawonaissa Trail	-- preferential --	at Owaissa Way
Meda Pass	-- preferential --	at Wendigo Lane
Ojibway Trail	-- preferential --	at Wawonaissa Trail
Algonquin Pass	-- preferential --	at Wawonaissa Trail

7697

DIGEST SHEET

TITLE OF ORDINANCE: SPECIAL

DEPARTMENT REQUESTING ORDINANCE: PURCHASING

S-87-07-03

SYNOPSIS OF ORDINANCE:

An ordinance approving the award of Reference #3146 with respect to the purchase of equipment for the enhancement of the computor system in the City of Fort Wayne, per the specifications in that reference.

This purchase is "Subject to financeing through the City Equipment Lease Program as provided for in Ordinance S-174-84."

EFFECT OF PASSAGE:

The purchase of this equipment is necessary to the City to increase the capacity of the computor to do more work.

EFFECT OF NON-PASSAGE:

Machines will work less efficiently as more employees utilize the system in operation. Reduced production of employees will become the norm rather than the exception.

MONEY INVOLVED (direct costs, expenditures, savings):

Compusystems, Inc. $27,550.00 +/-

ASSIGNED TO COMMITTEE (President):